MYSORE ACT No. XIV OF 1941

[1]THE HOME GUARDS ACT, 1941.

(AS AMENDED BY ACT XXXV OF 1948.)

(Received the assent of His Highness the Maharaja on the sixteenth day of July 1941.)

An Act to provide for the constitution of Home Guards in [2][State of Mysore except Bellary District.]

WHEREAS it is expedient to provide for the constitution of Home Guards in [2][State of Mysore except Bellary District];

It is hereby enacted as follows :—

Short title, extent and commencement.

1. [1][(1) This Act may be called the Home Guards Act, 1941.]

(2) It extends to the [2][whole of the State of Mysore except Bellary District.]

(3) It shall come into force at once.

Constitution of Home Guards.

2. The District Magistrate of a district may constitute for that district a body to be called the [1][home guard,] the members of which shall discharge such functions in relation to the protection of persons, the security of property or the public safety as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

Appointment of members.

3. The District Magistrate of a district may appoint as members of the [1][home guard] so many persons, who are fit and willing to serve as such, as he is authorised by the Government to appoint and may appoint any such member to any office of command in the [1][home guard.]

Functions of members.

4. The District Magistrate of a district may at any time call out a member of the [1][home guard] for training or to discharge any of the functions assigned to the [1][home guard] in accordance with the provisions of this Act and the rules made thereunder.

Powers, protection and control.

5. (1) A member of the [1][home guard] when called out under section 4 shall have the same powers, privileges and protection as an officer of police appointed under any law for the time being in force.

(2) No prosecution shall be instituted against a member of the [1][home guard] in respect of anything done

1. Substituted by Act XXXV of 1948.
2. See the Mysore Adaptation of Laws Order, 1953.

or purporting to be done by him in the discharge of his functions as such member, except with the previous sanction of the District Magistrate.

Control by officers of police force.

6. The members of the [1][home guard] when called out under section 4, directly in aid of the police force, shall be under the control of the officers of such force, in such manner and to such extent as may be prescribed by rules made under section 8.

Penalty.

7. If any member of a [1][home guard,] on being called out under section 4, without sufficient excuse, neglects or refuses to obey such order, or to discharge his functions as a member of the [1][home guard,] or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction by a competent court, be punishable with fine which may extend to fifty rupees.

Rules.

8. The Government may make rules consistent with this Act—

(*a*) providing for the exercise by any police officer or other servant of the Government of the powers conferred on the District Magistrate by section 4 of this Act;

(*b*) providing for the exercise of control by officers of the police force over members of the [1][home guard] when acting directly in aid of the police force;

(*c*) regulating the organization, appointment, conditions of service, duties, discipline, arms, accoutrements, and clothing of members of the [1][home guard] and the manner in which they may be called out for service;

(d) conferring on members of the [1][home guard] according to their office any powers, other than magisterial or judicial powers, exercisable by any person under any Act;

(*e*) generally for giving effect to provisions of this Act.

9. The Home Guards (Emergency) Act, 1940, continued by the Home Guards (Emergency Continuance) Act, 1941, is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Act shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 5th day of November 1940.

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1. Substituted by Act XXXV of 1948.